

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265  
WELFARE FUND, *et al.*,

Judgment Creditor,

v.

HIGH-TECH MECHANICAL, INC.

Judgment Debtor,

F.H. PASCHEN, S.N. NIELSEN, INC.

Citation Respondent.

No. 08 C 0670

Honorable Judge Robert M. Dow, Jr.

STATE OF ILLINOIS )

) SS:

COUNTY OF COOK )

**AFFIDAVIT OF JOSEPH SCARPELLI  
IN RESPONSE TO CITATION TO DISCOVER ASSETS  
TO THIRD PARTY CITATION RESPONDENT  
F.H. PASCHEN, S.N. NIELSEN, INC.**

JOSEPH SCARPELLI, being first duly sworn on oath, deposes and states as follows:

1. I am an adult resident of the County of Cook, State of Illinois and I am employed by F.H. Paschen, S.N. Nielsen, Inc. ("Paschen") as Executive Vice-President.
2. I am in receipt of the Citation Notice to Discover Assets To Third Party F.H. Paschen, Inc., S.N. Nielsen, Inc. I am providing this Affidavit not in my individual capacity, but solely as an officer and representative of the Paschen entity named herein above.
3. In my capacity as the Executive Vice-President of Paschen I have knowledge of the business records, including the accounts payable records, of Paschen. These records are prepared and maintained in the course of regularly conducted business activity of Paschen and I have reviewed the

business records of Paschen.

4. The business records of Paschen reflect that there are the following open projects with High-Tech Mechanical, Inc. ("High-Tech") as of May 28, 2008:

Gage Fee Building	FHP Project No. 2925
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H.H. Backer Associates	FHP Project No. 2943
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All the above-named projects are collectively referred to herein as the "Projects". Please note that High-Tech was issued a contractual intent to Default in relation to the Gage Fee Project No. 2925 on May 9, 2008 for failure to staff the Gage Fee Project and given 48 hours to cure. High-Tech failed to cure and, thus, on May 16, 2008 a contractual Notice of Default was sent to High-Tech in relation to said Project.

5. As to each of these two Projects, as of May 28, 2008, no sums are currently due High-Tech because: (i) certain contractual obligations and contingent liabilities still remain due and owing from High-Tech, including the retention of others to complete High-Tech's contractual work ; (ii) requisite payments have not been made by the Owners to Paschen; and/or (iii) final approval has not been given by the Owner. In addition, these sums are subject to final contract close-out with High-Tech, as well as approval and final acceptance issues with the Owner and the final outcome of certain other items which as of this date remain contingent. Thus, there are no sums currently due and owing High-Tech on any of the above named Projects.

6. If necessary Paschen will supplement its response herein if and when sums on any of these Projects become payable to High-Tech.

7. Other than the contingent items indicated above, Paschen, as of May 28, 2008, does not have in its possession any other property of the judgment debtor, High-Tech; and does not have any other open projects with same. Since the date of receipt by Paschen of the instant Citation

Paschen has not made any payments to High-Tech.

8. This Affidavit is being provided in lieu of document production and by agreement of legal counsel. Documents will be provided upon request.

  
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Joseph Scarpelli

Subscribed and sworn to before  
me this 28<sup>th</sup> day of May, 2008.

  
Notary Public

Commission Expires: 7/19/08

